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DE RUEHLG #0267 1381312
ZNR UUUUU ZZH
R 181312Z MAY 09
FM AMEMBASSY LILONGWE
TO RUEHC/SECSTATE WASHDC 0501
INFO RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE
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SUBJECT: MULUZI LOSES APPEAL TO RUN AS PRESIDENT

REF: LILONGWE 198

11. (U) Malawi's Constitutional Court ruled on May 16 that former president Bakili Muluzi, who served from 1994-2004, is ineligible to ever run again as president. The court stated that breaks between terms are immaterial because the Constitution limits presidents to serving two five-year terms in a lifetime. While reading the verdict, Justice Twea noted the court considered the text, semantics, and historical context before reaching the conclusion that Malawi's Constitution was written with the express intent of preventing life-long presidents. Press reports note Muluzi will appeal this decision to the Supreme Court within the next six weeks. In March, Malawi's Electoral Commission rejected Muluzi's nomination papers on the grounds that the Constitution's framers intended to respect the wishes of the people not to return to the institution of life-term president.

12. (SBU) COMMENT: The court's decision was widely expected and has no impact on tomorrow's national election. Muluzi has already officially thrown his support behind former rival John Tembo of the Malawi Congress Party. After two failed attempts to change Malawi's laws to allow himself a third-term during his presidency, Muluzi's appeal to the Supreme Court will be his last legal option. If the Supreme Court upholds the Constitutional Court's decision (as many expect), Malawi's legislature and justice system should be praised for not bending to political pressure and respecting the wishes of its people. It will also set an important precedent barring Mutharika from seeking a third term in 2014 should he win a second term tomorrow. END COMMENT.
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